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Atari Online News, Etc.  
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->From the Editor's Keyboard  
"~~~~~"

"Saying it like it is!"

All right already - I surrender [again]!! Wow, it continues to be bone-chilling cold here in the Northeast! This has been an unbelievable winter so far. How cold is it, you ask? Well, you know it's cold when a warming trend means the temperature might reach the freezing mark! Nighttime temperatures have been below zero, with the wind chill factor adding another minus 10-30 degrees to that. Just about every night on the news, the local weatherman has issued frostbite warnings!! Analysis has shown that with the current temperature conditions at night, frostbite could occur within 20-30 minutes of exposure to the elements! Brrrrrrrr!

I'm still re-building the data on my Falcon's "new" hard drive. I grabbed one of the old hard drives I had hooked up to Toad Hall, my old BBS. I've re-built the important stuff already, and I'll get to the rest of it little by little. The old back-ups were fine; and the critical things that I use to put A-ONE together required a little work, but nothing that was a burden. I'll make sure that I back everything up again once it's all back and organized. If I'm smart, I'll be sure to do them at more frequent intervals than I lazily did in the recent past.

Happy Valentines Day to everyone and your significant others. Risking the possibility of being called sexist, here's another holiday that must have been "invented" by someone's wife at Hallmark or FTD Florist! <grin> This holiday is the bane of husbands and boyfriends worldwide! You just know that no matter what we do, it isn't going to be enough to please our significant other! Good luck!

Until next time...

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MyMAIL WWWBoard Closed

Hi all,

Cause of a constant abuse of the MyMAIL WWWBoard and a too low usage of

the board from the MyMAIL users it is now closed.

Most of the postings was links to sex sites  
and the last weeks child porn too.  
This is not acceptable and I have no time to admin the  
WWWBoard all the time so I have after trouble with one of the  
spammers sites decided to close the WWWBoard.

Sorry about this :-(

Best Regards  
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PEOPLE ARE TALKING  
compiled by Joe Mirando  
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Hidi ho friends and neighbors. Another long, cold week has come and gone,  
and it's time to sit down and reflect on some things.

I like to do that once in a while. Just sit there and reflect on what's  
going on around me. In today's world, it's too easy to let things go by  
without noticing and without thinking about them.

I heard an interesting phrase the other day... "There are certain key  
moments in our lives..." That got me to thinking about all the big things  
that are going on around us these days. Thinking and wondering.

Is it really the big, important moments in our lives that shape us, that  
define what we think and what we become, or is it the little everyday  
things? The little, seemingly unimportant minutia that makes up the  
larger percentage of our lives and gets ignored because "that's just life".

Speaking for myself, I can point to several moments in my life that could  
be classified as "defining moments", but had they not happened I would  
still have become pretty much what I am now.

One of those moments stands out clearly in my mind. It had been buried in  
my brain for decades, but the loss of the Challenger and again two weeks  
ago, the loss of the Columbia, caused it to swim its way back up to the  
surface of my mind.

I was watching a re-run of 'Lost in Space' when one of my favorite  
episodes was interrupted with a news flash... Apollo 13 had encountered

some kind of trouble. Jules Bergman was on the screen explaining what little he could about the situation, and I was mad. I mean, hell, it was one of my favorite episodes!

I started to moan about missing Lost in Space, and my mother had had enough of it. She turned to me and said, "Dammit, if they don't figure out what to do, we'll have REAL people 'lost in space'".

I was about ten years old at the time, and the idea that space travel wasn't just another thing that people could do if they chose to hadn't occurred to me until that moment. After all, this wasn't the first time man was going to land on the moon. All the other astronauts (I didn't know about Apollo 1 at the time) had made it there and back in those little space capsules that looked vaguely like metal champagne corks. They were so much less elegant than the saucer-like Jupiter II. The two were so different, surely the danger faced on the TV show must be avoidable in real life. They were JUST going to the moon for goodness sake, not whizzing across the galaxy and fighting space pirates.

Nonetheless, I have always been (both before and since the flight of Apollo 13) fascinated with space and space flight. Had Apollo 13 truly been a "defining moment", I would have, from that moment on, dreamt about becoming a mailman or a circus clown or something because, from that moment on, I realized that you could DIE in space.

No, it wasn't Apollo 13 that was my defining moment. It was every clear summer night that I spent looking up at stars and planets. It was the deep, dark skies full of suns and (maybe) planets, and the knowledge that within the next hundred or so years, just about every inhabitable place on the face of the earth will be packed with more people than it can support. It was the knowledge, even in the mind of a ten year old, that we need to go on... to pioneer... to grow.

We will continue to explore space, not because of the crews of Challenger and Columbia, but because everyday things lead us in that direction. My hope is that we will continue to explore space with an eye toward knowledge, not conquest. The names of the "Columbia 7" will be lost to the mists of time, but their legacy... exploration for the sake of exploration... will be yet another nudge toward what is our future. We owe them a debt. Not because they were the best at what they did (although they were), but because they DID it. Because they were dedicated to the ideal of space exploration, because they climbed into what was one of the most complex machines ever designed and built by man and 'rode fire' into space, because they did it not for riches or for fame, but simply because the silent unknown called to them. Called to them the way that it called to Leif Erikson, Marco Polo, Christopher Columbus, and all the nameless others that left security and safety and took that unimaginable step into the stuff that fears are made of... the unknown. Their abilities and motivations will fade in the collective memory of man. The fact that they were explorers will not.

We owe them our respect, gratitude, and thanks not only for the fact that they were taken from us too soon, but because, despite their demise, they have benefitted each of us... they have enriched and ensured our future. Their legacy is not that they were lost, but that they WERE. Godspeed to them.

Let's take a look at the news and stuff from the UseNet.

From the comp.sys.atari.st NewsGroup

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Rob Aries asks about troubleshooting a floptical drive:

"I recently took my ST out of mothballs after 7 years. I used to use it with a floptical drive and ICD Link. The drive died, so I got another one from eBay, but it doesn't work. I'm hoping it's a jumper issue. I found this on the web, it details the jumper

functions:\*\*\*\*\*I325VM POWER CONNECTION AND JUMPER

OPTIONS looking toward the rear of the drive:Cover of drive on top:

Ground is circle (o)2MM shunt Jumper\* \* o o o o o\* \* \* \* \*

\* <- Jumpers E7 E6 E5 E4 E3 E2 E1[sorry if these don't line up exactly,

you get the idea!]E1 Drive Select 1E2 Drive Select 2E3 Drive Select 3E4

Enable SCSI Parity Checking E5 Enable Unit Attention after SCSI Reset E6 &

E7 Terminator Power Options E6 E7 No Power

Open Open SCSI Power Open Short

Drive Power Short Open Drive & SCSI

Short Short\*\*\*\*\*I can figure out E1 to E3, that's obviously

for selecting the id #. I'm not sure how to set the parity, terminator

power, or the "Enable Unit Attention after SCSI Reset" though.Right now

this is what happens: when I turn on the drive the busy light stays on.

When I turn on the ST it goes off. The drive is not seen at all by the

ST (I tried HDDRIVER, scanned the bus, etc.). I've tried a few different

combinations of jumper settings with no luck. The Link & cable is OK

because I've used them with a SCSI hard drive.What makes me think the

floptical mechanism is OK is that, when I insert a disk, I can hear the

head seeking to the boot sector normally. However, it might be that the

drive is not good because it was an "as is" auction with no guarantee. If

I knew the exact way to set these jumpers, it would save me some time

trying to figure out if the drive itself is bad or not."

Greg Goodwin tells Robert:

"This is off of memory, but I'm sure others will correct me if I make a mistake.

E4 (Enable SCSI Parity Checking) should be OFF. As far as I know, the

Atari does not use parity checking.E5 (Enable Unit Attention...) should

be ON. Otherwise, the unit will not come up automatically on start or

reboot. Instead it will just sit idle until you specifically tell it to

start. E6 & E7 (terminator power) should probably be OFF. Since the ICD

Link does not provide termination power, telling the drive to expect

it seems futile to me. I'm not entirely sure of this one, however, since

the purpose of these lines might be to SUPPLY termination power further

down the line. What I do know for sure is that my Atari systems have no

termination power."

Robert tells Greg:

"remember hearing something about the Link II dealing with parity in a

way that the original Link couldn't. I'm still not sure about any of

this but like I said, the drive seems to work and I can mount the few

floptical disks I have.

Well this gets more interesting...E5 is OFF. Unfortunately I don't have

a floptical with driver software on it to test if my ST will boot from it

or not. I run ICDBOOT from a floppy and the drive mounts.

As I said at the top, both E6 & E7 had to be ON for things to work! It

seems that the Link gets its power from having these jumpers shorted.

When either one was off, the Link was completely dead...i.e., when I ran

ICD Utilities from a floppy, it saw no host adapter at all. I have some new problems now...the only reason I wanted to get this floptical drive going is to access what's on a few floptical disks I have. They had the most current versions of software I was writing, and I wanted to check them out mostly for nostalgic reasons (no backups of course. The disks are completely corrupted and unreadable. I used to do some messing around with boot sectors, FATs and directories, so I'm going to give this a try and see what I can do but it doesn't look too good. Do you know of any disk utilities that are good for recovering files? I have something called "Diamond Edge", and also there is an ICD program called "SCSI" that lets you view & edit disks at the sector level."

Peter West tells Robert:

"Terminator power jumpers when on provide term power to devices that need it, such as the Link and active terminators.

You might like to try KnifeST, which works fine with floppies and hard disks that don't have too large sectors. It has facilities for reading individual sectors.clusters, and for rebuilding a file that has been deleted or corrupted . It also has undelete and structure test options. Not sure where you can get it - it was commercial from HiSoft but did appear on a cover disk - ST Format #42B, dated 1/93."

Carey Cristenson asks about resolutions:

"Does anyone know of a program that will allow me to help my friend increase his screen resolution?? Currently he is at the MAX. on his Falcon which is 640x480x8 bit and he does not wish to purchase the Eclipse with the ATI Graphic Card just yet. So I was hoping that there was a software solution for what he needs."

Michael Freeman tells Carey:

"Well, this of course isn't as good as a graphics card, but Videlity or Videl Inside would both increase graphics resolution. I would actually highly recommend it until a graphics card is installed. You can push the resolution just a little higher, or use an interlaced mode (if the flickering doesn't become unbearable) for a really high-res mode. However, the more you push the limits, more flicker you'll get and the more you'll need a SCSI buffer upgrade. However, if this person has a Nemesis or other accelerator that can increase Videl's clock rate, one could be very happy with the resolutions you can get with these programs. With my Nemesis, I am now running a 1120x848 mode. It's interlaced, but at such a high resolution, I can't really see much flickering except when single-pixel height horizontal lines are right next to each other, separated by a single pixel. And even at that, it's not too bad. My monitor's display specs may have something to do with that, too. At any rate, I am running a very nice big desktop. I can't stand to go back to 640x480 anymore. 800x608 is about my tolerance limit these days, especially with web browsing, where most places design their pages with 800x600 or higher resolutions in mind."

Greg Goodwin adds:

"Videlity by itself gives roughly 800x600 at 53Hz, which is a bit hard on my eyes, though some people don't mind it at all. I've also read a bit about people using still higher resolutions (with lower refresh rates) on LCD monitors. Apparently, they don't flicker as much. I'd love to hear from those with LCD monitors on how low you can push the refresh before

it gets irritating."

Edward Baiz give his thoughts on the matter:

"I do not think there is a software solution. If there was, I doubt it would do a very good job, when compared to a graphics card."

Derryck Croker adds:

"There's a hack on the 'net somewhere that consists of soldering a new oscillator chip in, it looks quite easy to do and is a better solution than using a software (Vidality, etc) solution alone. It seems to work the same way as a Screenblaster, ie gives you a faster pixel clock. Higher resolutions gives more flickering/slower speed operation/more likelihood of SCSI transfer problems, the latter is fixable."

Well folks, that's it for this week. Tune in again next week, same time, same station, and be ready to listen to what they are saying when...

PEOPLE ARE TALKING

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->In This Week's Gaming Section - Chinese Nintendo Counterfeiters Nabbed!  
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                                Xbox Greatest Hits Program!  
                                Sega, Sammy To Integrate Operations!  
  
                                And more!
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->A-ONE's Game Console Industry News - The Latest Gaming News!  
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# Microsoft Launches Xbox Greatest Hits Program

Software giant Microsoft Corp. on Tuesday said it would cut the price on some best-selling titles for its Xbox video game console, a week after rival Nintendo cut some game and hardware prices in a bid to spur sales.

Redmond, Washington-based Microsoft said the "Platinum Hits" program would start with more than a dozen titles at a price of about \$19.99 each. Top titles for the Xbox, which holds the No. 2 position in the U.S. market, usually retail for \$49 or in some cases \$39.

Among the titles to be offered at the discounted price are Xbox hits like Microsoft's "Amped Freestyle Snowboarding" and "Project Gotham Racing" and third-party titles like Electronic Arts Inc.'s "Bond: Agent Under Fire" and Activision Inc.'s "Wreckless: The Yakuza Missions."

Ed Bland, a senior director of sales and marketing for the Xbox, told Reuters games will have to be on the market for at least nine months to be eligible for "Platinum Hit" status, with sales of about 350,000 to 500,000 units, though Bland said that figure can vary.

"It ends up being a great sort of impulse buy for consumers," Bland said.

The Xbox's biggest hit title to date, Microsoft's own "Halo," will not immediately move to the discount program, and will continue to retail for \$49, as it has since it launched with the Xbox in 2001.

"It is doing very well at \$49," Bland said, noting that it will move to "Platinum Hit" status at some point later in the future.

Bland also said "Platinum Hits" titles will get special packaging distinct from their previous boxes and will have additional display space at retail.

Sony Corp. launched a hits program for its PlayStation 2 console last year, and Nintendo Co. Ltd. unveiled one for its GameCube last week.

#### Sega, Sammy to Combine Operations

Japanese video-game software maker Sega Corp. plans to integrate its operations with those of Sammy Corp., a maker of slot machines, to become more competitive in the amusement gaming business, the companies said Thursday.

Video-game software makers are suffering from rapidly rising costs of developing new game software for next-generation video game machines.

Sega and Sammy have yet to decide how to merge, such as whether to swap shares, but they expect to integrate their operations by Oct. 1.

Sammy president Hajime Satomi, who is currently the largest shareholder in Sammy with a 24.3 percent stake, will become president of the new entity.

The integration is expected to help ease the companies' development costs and accelerate the development of technologies for new software.

The announcement comes on the heels of a similar combination announced between Japanese computer game software makers Square Co. and Enix Corp. They plan to combine operations April 1.

Sega garnered about 40 percent of its sales from the consumer game business in the fiscal year ended last March.

Sammy is a major maker of pachinko slot machines, a popular vertical pinball game found in parlors across Japan. It is trying to develop new businesses such as commercial video game machines and video game software.

Sega posted a group net loss of 17.8 billion yen (\$148 million) last fiscal year, its fifth straight annual loss. Sammy posted a group net profit of 23.9 billion yen (\$199 million).

Separately, Sega reported a profit for the first nine months of its fiscal year but cut its forecast of profit and revenue for the full year that ends



March 31.

For the nine months ended Dec. 31, Sega reported a group profit of 3.98 billion yen (\$33.2 million) on revenue of 150.70 billion (\$1.26 billion). No comparative figures were available.

But it slashed its group profit estimate to 500 million yen (\$4.17 million) from an earlier forecast of 5 billion yen (\$41.7 million). It also cut its revenue forecast to 195 billion yen (\$1.62 billion), from 200 billion yen (\$1.67 billion).

It cited disappointing game software sales in the United States and delayed launches of new software titles in Japan.

#### Biker Mirra Sues Acclaim Over 'Pornographic' Game

Pro BMX bike rider Dave Mirra has filed suit against video game publisher Acclaim Entertainment Inc., seeking more than \$20 million in damages and claiming that a "pornographic" game featuring strippers on bikes hurt his image.

The lawsuit, filed last week in federal court in eastern New York, claimed Acclaim used Mirra's name and likeness to promote the game "BMX XXX" after the two sides signed an agreement to disassociate Mirra from the title.

"It's a baseless lawsuit and we're going to vigorously fight it," Acclaim spokesman Alan Lewis told Reuters.

"BMX XXX" uses the tagline "Keep it Dirty" and features copulating pink poodles, shots of strippers in action and a variety of racing bike stunts.

Some of the nation's largest retailers refused to sell the game because of its content, and the weak performance of "XXX" and other games has battered Acclaim's stock in recent months.

In the suit, Mirra said he and Acclaim entered discussions in March 2002 about attaching his name to "BMX XXX," which he claimed was described as a mature, tongue-in-cheek game in the vein of spoof films like "Airplane."

But Mirra alleged the game's focus was changed after he signed an agreement to lend his name to it.

"During the ongoing development of (XXX), but after obtaining Dave Mirra's approval of the initial concept, Acclaim changed the concept of the game to become more sexually explicit and pornographic, ultimately settling on nudity as a major selling point," the suit said.

Subsequently, according to the suit, Mirra and Acclaim signed an agreement on July 31, 2002, to remove Mirra's name and likeness from the game and its promotional materials.

But Mirra claimed that after the agreement was signed, Acclaim continued to call the game "Dave Mirra BMX XXX" and use his name and likeness in ads and other promotional products for the title.

In November, as Acclaim was shipping "BMX XXX" for the major game consoles, it also shipped "Dave Mirra Freestyle BMX 3" for the portable Game Boy

Advance.

The suit has 11 claims in total, including unfair competition and injury to business reputation and dilution. It asks for damages of no less than \$1 million on each of the claims plus punitive damages of \$20 million.

### Nintendo Announces Huge Seizure in China of Pirated Games

Authorities who raided factories in southern China in search of counterfeit Nintendo video games last month found games, packaging and components totaling some 300,000 items, including new titles released just weeks earlier, the company said Wednesday.

The announcement highlighted China's enduring status as a major counterfeiter, despite periodic highly publicized crackdowns on pirate producers of goods ranging from music and videos to designer clothes and software.

China is the main source of counterfeit Nintendo games, a trade that cost the company US\$649 million in lost sales last year, said Jodi Daugherty, antipiracy director for the Japanese game-maker's American arm.

"It's our top priority right now. The products are being assembled (in China) and then distributed worldwide, so we're anxious to stop it at the source," Daugherty said from Redmond, Washington, where Nintendo of America Inc. is based.

The seizures in January were equal to nearly one-third of the 1 million counterfeit Nintendo games and other items impounded last year in a total of 135 raids, Daugherty said.

The raids were carried out by Chinese commercial officials, rather than police, based on information from Nintendo's own investigators, Daugherty said. She said no criminal penalties have been imposed, but fines imposed on Nintendo counterfeiters last year totaled US\$80,000.

The January seizures and most raids last year took place in Guangdong province, which borders Hong Kong and is a center of China's thriving counterfeit industry.

Such product piracy has been a key complaint by China's trading partners, including the United States.

Nintendo says it has filed formal complaints with Washington that China, as well as Hong Kong, Mexico and Paraguay, is failing to protect its copyrights adequately.

Such enforcement is required by China's membership in the World Trade Organization, a global rules-making body that it joined in 2001 with promises to crack down on piracy and fake products.

It has made a practice of publicly destroying masses of fake goods, especially CDs and DVDs, though critics say it still has a long way to go. The International Intellectual Property Alliance, a trade group, estimates China's piracy of entertainment and computer goods cost businesses US\$979 million in lost sales in 2000.

Nintendo's experience illustrates the ordeals that even the most technically sophisticated companies face in trying to combat determined counterfeiters.

Nintendo encodes its game software and makes key components itself under tight security instead of entrusting work to outside contractors, Daugherty said.

Nevertheless, she said, Chinese counterfeiters are equipped with technology that lets them decode the software and burn it into their own computer chips.

Products seized in January included some of the newest Nintendo games, "Pokemon Ruby" and "Pokemon Sapphire", that had been released only weeks earlier in Japan, Daugherty said.

"Those were our hottest titles," she said, "and there they were, all counterfeited."

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A-ONE's Headline News  
The Latest in Computer Technology News  
Compiled by: Dana P. Jacobson

Feds Look to Expand Electronic Surveillance

A confidential document leaked by the Department of Justice Friday calls for laws to expand the government's right to read private e-mail messages and monitor Web surfing, and privacy rights advocates are crying foul.

Drafted by Attorney General John Ashcroft, the 120-page "Domestic Security Enhancement Act of 2003" would greatly inflate the powers afforded by the controversial Patriot Act, pushed through Congress after the September 11 terrorist attacks. The act gave the FBI and the Justice Department broad new authority to use wiretaps, electronic eavesdropping, and a number of other information-gathering techniques.

The proposal is under fire from privacy advocates and consumer groups. "I think that the average Web surfer is not going to notice a thing. That's what is so scary," says Lee Tien, senior staff attorney for the Electronic Frontier Foundation.

The draft proposes a number of measures to expand the scope of government surveillance. Specifically, it would:

Allow the government to monitor Web activities for 90 days, as opposed to 30 days.

Allow electronic surveillance and wire taps after Congress authorizes the use of military attacks or after a national emergency, as opposed to after a declaration of war.

Make the use of encryption to conceal a crime a felony offense, punishable by at least five years in prison.

Allow the government to obtain an individual's credit report without a subpoena.

Allow the government to treat individual suspects as foreign powers, a designation that expands federal surveillance rights.

Exempt the names of detained terrorist suspects from Freedom of Information Act requests.

Authorize the government to create a DNA database of suspected terrorists.

A "control sheet" circulated by the Office of Legislative Affairs shows that copies of the proposal were sent to Vice President Richard Cheney and Speaker of the House Dennis Hastert (R-Illinois) last month. However, the Department of Justice insists that the draft is not a formal proposal.

Department of Justice spokespersons did not return phone calls.

The proposal is drawing criticism from nonprofit groups focused on consumer and privacy rights.

"We're still reeling from the original USA Patriot Act's impact on civil liberties and now the government wants more," says Cindy Cohn, legal director at the Electronic Freedom Foundation.

"Where is the evidence that the law passed less than two years ago is insufficient? When will Congress draw the line and say, 'This much of our civil liberties you've taken under the guise of terrorism--you may have no more'?"

Critics note that the proposal's treatment of encryption could have serious implications regarding file sharing, an action that increasingly requires coded information. Those found to be sharing music or other entertainment illegally would be subject to an additional five years in prison.

"In this day and age that's going to cut a very broad sweep," says the EFF's Tien. "More and more of our communications over the Internet are de facto encrypted."

Chris Hoofnagle, deputy counsel at the Electronic Privacy Information Center, says the proposal is part of a concerted effort to subject computer users to "incredible liability."

"It's the idea that using a computer is a kind of aggravated offense, that should create longer sentences than another infraction...it's remarkable," Hoofnagle says.

While the report has privacy advocates up in arms, many are skeptical about the proposal's chance of becoming law. A number of lawmakers from both parties have questioned the Justice Department's use of the Patriot Act provisions--challenges that could stand in the way of a new round of surveillance powers.

The federal investigative body is also fighting a Freedom of Information Act request by the American Civil Liberties Union and the Electronic Privacy Information Center. The groups want federal investigators to reveal

how they have been using their expanded surveillance powers since the terrorist attacks.

"I think anyone who reads this bill and remembers what's happened in the past two years...they're not going to be as easily convinced," Tien says.

### Suggested Software Licensing Law Hits a Snag

The future of a proposed law that would standardize software licensing agreements across the United States seemed to be in doubt after the American Bar Association failed to approve it at its national meeting last week.

The National Conference of Commissioners on Uniform State Laws (NCCUSL) has been pitching the Uniform Computer Information Transactions Act (UCITA) to state legislators since 1999. The organization has called UCITA a model law that would help lawmakers create uniform statutes across the country.

Several software companies and groups--including the Business Software Alliance, Microsoft, and IBM-- support UCITA, arguing that differing state software licensing laws drive up the cost of selling software. They contend that uniform state laws across the nation would reduce vendors' liability costs.

The NCCUSL approved a series of changes to the proposed law in August 2002 in an effort to answer critics' complaints that UCITA would impose restrictive licenses for shrink-wrapped or downloaded software on customers. Nevertheless, six sections of the ABA failed to approve UCITA this past week prior to the ABA's midyear meeting in Seattle.

On Monday, the NCCUSL withdrew a resolution recommending that the ABA House of Delegates approve UCITA, according to the American Library Association, an opponent of UCITA.

Approval by the ABA is a customary step in the process of passing proposed uniform laws such as UCITA, a press release from the American Library Association said. Representatives of the NCCUSL were unavailable Tuesday to comment on whether they will attempt to redraft the proposed law.

The proposed law drew opposition from several library, consumer, and technology groups, including the Institute for Electrical and Electronics Engineers, the Free Software Foundation, and the Association for Computing Machinery. Only two states, Maryland and Virginia, have passed versions of the law since 1999.

Opponents contended that UCITA would allow corporations to force customers to agree to licenses for shrink-wrapped or downloaded software that take away consumer rights, including fair-use rights under copyright law. The software licenses that might result from UCITA wouldn't allow customers such as businesses or libraries to negotiate licenses, opponents charged, but UCITA would give companies new powers to disable licensed software remotely.

NCCUSL made a number of changes to the draft version of the law in August, including these:

- \* A state's consumer protection laws would trump UCITA.
- \* Software contracts that prohibited criticism of the products they covered would be unenforceable.
- \* A software company could not prohibit reverse engineering performed for the purpose of making a piece of software work with other software.

Despite those changes, members of Americans for Fair Electronic Commerce Transactions, including the American Library Association, continued to oppose UCITA.

"A lot has gone on to improve UCITA--and yet, after all that, none of the [ABA] sections that looked at it wanted to vote for the resolution," said Carol Ashworth, the American Library Association's UCITA grassroots coordinator. "We would hope that the fact that the ABA...was unable to come up with an approval of the act would make any state legislature think twice about considering this seriously."

### File-sharing Case Could Set Tone for Piracy Battle

The record industry and Verizon face off in court again today, another skirmish in the entertainment industry's widening piracy war.

Verizon wants to protect the privacy of a customer accused of sharing hundreds of music files through the company's high-speed Internet service. Last month, a federal judge ruled the user's name should be given to the Recording Industry Association of America; today, both sides argue whether the order should take effect before Verizon's appeal is heard.

What happens today and soon in the courts -- and increasingly, outside the courtroom in both public and quieter campaigns online, in Congress and in the media -- sets the tone for the harder line Hollywood and the record labels are taking against the widespread swapping of music, movies and other copyrighted content.

If the RIAA prevails, expect a quick wave of subpoenas from the entertainment industry targeting individuals, even before Verizon's appeal is heard.

"The year 2003 means three things" to online piracy, says GartnerG2 research director P.J. McNealy. "It means more scrutiny of enterprises (businesses), more scrutiny of college campuses -- and third, the biggest bugaboo, more scrutiny of individuals."

In addition to ongoing lawsuits against Net-swapping systems, the Motion Picture Association of America and RIAA also have begun directly contacting companies and colleges known to have copyrighted material illegally on their networks. And celebrity campaigns are underway to educate consumers about piracy.

"We want to convince everybody not to infringe," the RIAA's Matthew Oppenheim says. "Stealing is stealing."

The 1998 Digital Millennium Copyright Act allows content owners to file a subpoena with a court clerk and then forward it directly to the service provider -- a powerful shortcut around the legal system. "It gives copyright holders the ability to identify an infringer so they can send a

letter or make a phone call to get the infringer to stop, instead of necessarily filing a lawsuit (against the infringer)," Oppenheim says. He adds the RIAA has sent a similar subpoena to Earthlink, which has yet to reply.

Such power could be misused and is not the law's intention, says Verizon counsel Sarah Deutsch. When the act was passed, she says, service providers thought they'd have to reveal information only about customers who store infringing material directly on the network -- not users who keep the files on their personal PCs' hard drives, as is the case with today's "peer-to-peer" swapping systems.

Internet law expert Paul Schiff Berman calls the law's wording "ambiguous" on subpoenas. "I think the Verizon argument probably has more validity than the District Court seems to credit it with." But, he says, "the RIAA argument is also plausible."

The entertainment industry is facing increased opposition. In Congress, some legislators have proposed a "Digital Bill of Rights" in opposition to other bills that require anti-copying technology in electronic devices and PCs.

Several new consumer-advocacy groups such as Public Knowledge and Digitalconsumer.org reflect a movement to confront Hollywood and the music industry, which have portrayed "the Internet as a giant copy machine" and asked for "heightened tools to combat it," Berman says.

But now people are also starting to realize that the Net can be "a mechanism of perfect control of information," he adds, and that "there might be a danger not from too little control of information, but from too much."

#### Famous Hacker Suffers Web Site Break-Ins

The world's best-known computer hacker suffered the indignity of having someone break into his new security consulting company's Web site. But Kevin Mitnick shrugged it off as "quite amusing," not serious enough for him to call the FBI.

Mitnick, whose federal probation on hacking charges ended a few weeks ago, acknowledged that this weekend's electronic break-in at Defensive Thinking Inc. of Los Angeles was actually the second time in weeks that hackers found a way into the computer running the firm's Web site.

A hacker calling himself "BugBear" added one page to Mitnick's corporate Web site on Jan. 30 with a message, "Welcome back to freedom, Mr. Kevin," and added that "it was fun and easy to break into your box." He included a photograph of a polar bear with two cubs.

Another, similar break-in occurred Sunday by a hacker in Texas who asked Mitnick to hire him as the company's security officer.

In neither instance did hackers vandalize the company's Web pages, and one said in e-mail that he didn't do damage "out of respect for me," Mitnick said.

Mitnick said he did not contact the FBI because the break-ins didn't

involve any financial loss to his company, which advertises "training and expertise to help you stop information theft."

The FBI and Justice Department would not comment.

Most security experts consider the risk of such break-ins a nuisance for government agencies and corporations, since sensitive information about consumers is commonly stored on separate computers with better protection. But these break-ins can be embarrassing for organizations and indicate inattention to Internet security risks.

"No customer information was released nor was in danger of being compromised," Mitnick's company said in a statement Monday.

Mitnick's probation, which barred him from using the Internet, ended Jan. 20. He was released from prison three years ago after serving a five-year sentence. Mitnick was accused of costing companies millions of dollars by stealing software and altering computer information.

His supporters, who during his time behind bars plastered the phrase "Free Kevin" on hundreds of Web sites, maintain that his crimes were vastly exaggerated.

Mitnick said Monday that the hackers apparently exploited separate flaws in Internet server software from Microsoft Corp. The person responsible for the company's Web site failed to apply the repairing patches available from Microsoft, Mitnick said.

"I haven't had any time to play webmaster, but it looks like I'll have to look into it," Mitnick wrote in an e-mail to The Associated Press. "Actually, it's quite amusing. All the hackers out there figure if they can hack Kevin Mitnick's site, they're the king of the hill."

#### Computer Worm Lures with Alleged Zeta-Jones Photos

A new computer worm has surfaced that purports to contain revealing photos of Catherine Zeta-Jones and other celebrities but actually installs a backdoor program that could allow someone to take over the computer, anti-virus company Sophos said on Thursday.

Users of the Kazaa file-sharing service and IRC instant messaging are at risk, although there have been no reports of infections yet, U.K. Sophos Plc. said.

The worm-infected file claims to contain compromising photos of female celebrities including, Zeta-Jones, Britney Spears and Shakira. Once the file is opened, a backdoor "Trojan horse" is downloaded onto the victim's computer.

The use of Zeta-Jones' name comes as she and husband Michael Douglas are waging a legal battle against a U.K. tabloid over unauthorized wedding photos, the company noted. Zeta-Jones was also recently nominated for an Oscar for best supporting actress for her sultry role in the film "Chicago."

Sophos recommends that people update their anti-virus software to prevent infection.



The technique is not new. Previous computer worms have spread by tricking e-mail users with supposed photos of Russian tennis star Anna Kournikova and subject lines like "naked wives."

### French Court Clears Yahoo! in Nazi Case

In what might end a three-year legal fight, a Paris court Tuesday threw out accusations by French human rights activists who said Yahoo! Inc. should be held legally responsible for auctions of Nazi paraphernalia that were once held on its Web site.

The court ruled that Yahoo and its former chief executive, Tim Koogle, never sought to "justify war crimes and crimes against humanity" - the accusation leveled by human rights activists, including Holocaust survivors and their families.

The case was initiated in 2000, when France's Union of Jewish Students and the International Anti-Racism and Anti-Semitism League sued Yahoo for allowing Nazi collectibles, including flags emblazoned with swastikas, to be sold on its auction pages.

The case led to a landmark ruling in France, with a court ordering Yahoo to block Internet surfers in France from auctions selling Nazi memorabilia. French law bars the display or sale of racist material.

Yahoo eventually banned Nazi material as it began charging users to make auction listings, saying it did not want to profit from such material.

The company insisted the decision had nothing to do with the proceedings in France, but it continued to oppose the French case. The company even asked a federal judge in California to affirm that U.S. companies could not be regulated by countries that have more restrictive laws on freedom of expression. The judge agreed.

Still angry at Yahoo's attitude, French Holocaust survivors and their families launched a second attack and were joined by a group called the Movement Against Racism and for Friendship Between People. The parties sued for one symbolic euro.

But the Paris court said Tuesday that "justifying war crimes" means "glorifying, praising, or at least presenting the crimes in question favorably." Yahoo and its auction pages did not fit that description, the court said.

Neither of the groups that filed complaints against Yahoo returned calls seeking comment about the decision. It was not immediately clear if they planned to appeal.

### AMD Debuts New High-End Athlon Chip

Calling its new release "the world's highest-performing desktop PC processor," chipmaker AMD has unveiled a new Athlon XP 3000+ processor. Featuring the company's new Barton processor core, the 3000+ outperforms

competing desktop processors by up to 17 percent in benchmark tests, according to AMD.

"The Barton 3000+ will probably represent one of the better values in the market," Giga Information Group analyst Rob Enderle told NewsFactor. However, he said, because the market was expecting something else -- AMD's next-generation Athlon 64 -- "this won't do for them what it otherwise would have done."

For his part, Aberdeen Group analyst Russ Craig noted that the new chip "is important for [AMD] because it gives them a functionality at the top of the line." He also told NewsFactor that the 3000+ should provide AMD with "a very favorable impact on their bottom line."

According to AMD, the 3000+ features 640 KB of on-chip cache memory, which the company claims is over 70 percent more than any previous Athlon XP processor, and "the highest amount of on-chip cache memory of any desktop processor."

The 3000+ also supports AMD's 333 MHz bus. Therefore, not only can the chip hold more data near its core, but its increased bus speed support means it shuttles data back and forth faster.

It is these improvements, rather than clock speed alone, that will rev up the 3000+'s performance. As AMD often points out in its competition with rival Intel -- and as it once again noted in the 3000+ press release -- PC performance is based on more than just processor frequency.

AMD originally had planned a spring debut of its next-generation Athlon 64 chip, code-named Clawhammer. But that chip was delayed until September. As such, the 3000+ will be AMD's flagship offering in its competition with Intel for the majority of 2003.

According to AMD, its new chip can do the job. The company claims the 3000+ outperformed Intel's recently released 3.06 GHz chip in benchmark tests on some applications.

Approximately two dozen PC makers, including Hewlett-Packard, are expected to include the new chip in machines by the end of March, AMD added. It is especially likely to be embraced by PC makers in the gaming market.

Yet, for all of the 3000+'s capabilities, many PC makers had hoped to include the Clawhammer chip in new machines by this spring. "This part with the Barton core allows them to stay competitive with Intel for the moment, but the market was looking for the next-generation chip," Enderle said.

Although AMD continues to compete with Intel in the PC processor market, it lost some ground in 2002. For example, in the last quarter of 2002, Intel held an approximately 85 percent market share, an increase of a few points. In contrast, AMD's market share fell a few points to hover around 14 percent.

AMD delayed release dates on several chips last year, including the 2400+, 2600+, Athlon-64 and Barton. Those delays hurt the company's bottom line: In 2002, AMD lost \$1.3 billion.

Meanwhile, Intel is developing even faster chips, including a Pentium 4 that boasts a 3.2 GHz processor with an 800 MHz bus, due out in the second quarter of this year.

AMD's pricing strategy for its new chip may help it recoup recent losses. The 3000+ sells for \$588 in lots of 1,000, an almost \$200 price increase over the Athlon XP 2800+. AMD hopes the more aggressive pricing strategy, along with a cost-cutting plan, will allow it to attain profitability by the second quarter of 2003.

Aberdeen's Craig said the 3000+ has enough capability so that "[AMD] feels they can price it up to the Intel umbrella and still attract people."

But Giga's Enderle noted that "their production volume is not up to speed yet. They won't get a big pop on this part until they get production rolling and they get the price into AMD range."

AMD also is releasing a new 2800+ chip with the Barton core simultaneously with its 3000+ release. That 2800+ processor will list at \$375.

#### Apple Releases Mac OS X 10.2.4

Apple Computer Inc. on Thursday issued an update for its Mac OS X operating system. The 10.2.4 update addresses issues related to reliability for built-in applications and services, and more. It's available for download through the Software Update system preference pane.

According to Apple, the Mac OS X update enhances Address Book, Classic compatibility, Finder, FireWire, graphics, OpenGL and Sherlock all feature improved functionality and reliability under this new release. AFP and Windows file service improvements have been made, and audio, disc recording, graphics and printing improvements abound as well.

Apple currently has approximately 5,000 native Mac OS X applications available for the reported 5 million Mac OS X users that have switched to the operating system. Apple CEO Steve Jobs said during last month's Macworld keynote that the company is hoping for 9 - 10 million users by the end of 2003.

Several applications have been recently released specifically for Mac OS X, including iLife, Keynote, Final Cut Express and the company's newest Web browser, Safari.

#### Microsoft Patch Blocks Web Access

A recent Microsoft security patch for Internet Explorer can lock users out of certain Web sites and Microsoft's own MSN e-mail service, Microsoft said late Wednesday.

The issue affects the cumulative patch for IE versions 5.01, 5.5, and 6.0 released on February 5 and rated "critical" by Microsoft.

The software maker released a software fix to correct the bug, according to the revised MS03-004 security bulletin.

Users, primarily consumers, were unable to access certain Web sites requiring user authentication after installing the patch, Microsoft said.

This issue in itself does not present a new security vulnerability and the original patch does fix all the vulnerabilities it is meant to, the Redmond, Washington, vendor said.

Only users having trouble authenticating to Web sites or accessing MSN e-mail need to install the new fix, which is available on Microsoft's security Web site, the vendor said.

The cumulative patch announced in MS03-004 includes all previously released patches for Microsoft's Internet browser and fixes two newly discovered vulnerabilities involving IE's cross-domain security model, which keeps windows of different domains from sharing information.

In the worst case, these two flaws could enable a Web site operator to load and run malicious code on a user's system.

### The Big Business of Fighting Spam

What do Viagra, stock tips, personal ads and activities with farm animals have in common? They are all the subject lines of unwanted, unsolicited e-mail messages, not-so-affectionately known as spam. The sheer volume of electronic junk mail has overwhelmed users' inboxes and IT managers in the past few years, consuming valuable bandwidth and storage space while embarrassing and annoying its recipients.

According to research firm IDC, in 2002, spam volume jumped 28 percent in North America alone, to 870 billion messages. That figure is expected to surpass 1 trillion by the end of 2003, according to Mark Levitt, vice president of IDC's Collaborative Computing Program.

Spurred by fear of "hostile environment" employee lawsuits and concerned about lost productivity hours, companies have turned to anti-spam technologies to eliminate -- or at least reduce the number of -- such undesirable e-mail messages. Several spam-fighting software firms have seen measurable financial benefits as a result, and there is a likelihood that they will follow the same lucrative path blazed by antivirus vendors.

So, who's making money from fighting spam -- and how successful are their efforts?

There is no denying that skyrocketing spam volume has boosted the bottom line for Brightmail, a San Francisco-based company that specializes in anti-spam technology for Internet service providers and enterprise networks. The company counts among its customers six of the largest ISPs in North America -- MSN, EarthLink, ATT8 million in revenue. "That's pretty close, maybe a little low," he said. As for the coming year, he added, "We doubled [in 2002], and we'll double again."

Salem said he expects Brightmail to achieve profitability by the second quarter of this year.

But Brightmail is not the only spam-fighter reaping profits from this war. When Network Associates announced in January that it had acquired San Mateo, California-based Deersoft, known for its SpamAssassin Pro and Enterprise software, it took an even deeper stab at the promising and potentially lucrative anti-spam market.

Zoe Lowther, senior marketing manager in Network Associates' McAfee Security division, told the E-Commerce Times that the company is in the process of rebranding both SpamAssassin products into its own SpamKiller Enterprise for Microsoft Exchange mail servers and SpamKiller Enterprise for the desktop. Both of those products are slated to ship this spring.

SpamAssassin also will be included as an add-on for McAfee's WebShield -- an Internet gateway filter -- and GroupShield, an MS Exchange antivirus filter, with releases due this summer.

In terms of how SpamAssassin works, Lowther explained that a scoring system is used to determine how likely it is that a message is spam.

"Every time a message is received, it runs 750 tests ... looking at the headers of the message, the structure, the subject line," he said. "Every time one of those rules gets triggered, it receives a point score, and over a certain amount, the e-mail is classified as spam."

Administrators can set up junk mail folders on the network, or even individual junk mail folders, so that users can sift through the spam to delete it, a better way to ensure that legitimate messages are not filtered out, Lowther added.

The technology boasts a 95 percent accuracy rate with a false positive rate of .05 percent. But those numbers are bolstered, according to Lowther, by the heuristic filtering nature of the software, including its personalization abilities.

Although Network Associates could not provide growth statistics for its anti-spam products or specify the value of the Deersoft acquisition, Lowther said the McAfee SpamKiller team has experienced "fantastic growth in sales, and [is] on an upward trend."

However, because of the ease with which spam can be sent, the fight against it will remain a constant one for companies, according to Forrester analyst Laura Koetzle. "It costs virtually nothing to get a Hotmail account, or [to] spoof a Hotmail address and send out hundreds of thousands of e-mails," she told the E-Commerce Times.

Because the rate of return for spammers is so high, and the cost of entry is so low, Koetzle added, "it's not ever going to be possible for the spam-filtering technology to win the war. The best we can hope for with anti-spam technology is that it at least filters most of it so we don't have to look at it."

### The Price of Freeware Rises

We all know the Internet free ride is over. But one of the holdouts, freeware, also looks like it's headed for the endangered species list.

Small software publishers complain that as the online software distribution business matures, freeware - free downloadable software - is getting squeezed out. And that loss means fewer choices for the millions of end users who download and use free utilities, games, and novelties like screen savers. It also may leave only more expensive alternatives.

"It's getting to the point no one can afford to be a nice guy when it

comes to freeware," says Kathy Salisbury, president of Pharos Games. The costs associated with distributing free software are becoming prohibitively high, say Salisbury and others like her.

Download sites say they're just passing on their costs. Free download sites are buckling to the same economic reality as search engines and portals. With Web advertising down, download sites look to recoup lost revenue through new fees.

Two of the largest sources of downloads, Tucows and CNet's Download.com, now charge software authors like Salisbury to post files in their libraries. Late in 2002, download behemoth CNet began charging \$79 annually for a listing. Smaller sites have followed suit. For example, WebAttack.com now charges for premier listings and SimplytheBest.net charges submission fees for some software category titles.

Tucows lists files for free, but charges publishers \$500 weekly for premium placement. WebAttack charges between \$20 and \$30 for priority listings.

"The download winds are shifting for small developers like me," says Richard Joseph, of RJ Software. Joseph is the author of a number of PC time and scheduling utilities. "Most small-time developers are not going to pay to have their software listed at sites," he says.

PCWorld.com's own Downloads library does not charge for software submissions or to host files.

At the same time, freeware download sites are being shuttered at a quickening pace, says Eric Peckham, publisher of the software title Shareware Tracker. Last year, 60 sites dropped from the ranks, he says.

Some of the estimated 250 freeware and shareware sites are even charging patrons. In January, Completely Free Software defied its name, instituting a \$5 monthly fee to download free files. A one-year membership costs \$15. Download site NoNags.com has introduced a \$22 yearly membership fee for full access to its library of downloads. WebAttack.com now charges a \$19.95 yearly fee for premium site access.

Even as the costs of submitting, promoting, and distributing files rise, freeware authors can no longer count on advertising revenue to help pay the sites' costs.

"Online advertising used to subsidize the market for free downloads," says Darrell Allen, Tucows' manager of site relations. "But now online advertising is in the dumps and authors cannot afford to give it away anymore."

Allen says economic pressures are forcing some freeware authors to switch to a shareware approach. A shareware application is not free but lets users try a demonstration version of the software for a specified period of time.

Software developers remember fondly the days of numerous thriving sites that hosted files and invited everyone. But once-popular download sites like Topfiles.com, Softseek.com, and DaveCentral.com have been shuttered, have stopped offering free downloads, or were purchased by competitors.

It's generally accepted that CNet's Download.com and Tucows are the 800-pound gorillas of Internet downloads.

"CNet and Tucows have become the Wal-Marts of the download world," says

Mark Koch, president of small application distributor DEK Software International. Koch and others fear that superstores will quash smaller players online, just as in the brick-and-mortar retail world.

"If you don't pay to be listed, you aren't prominent," Joseph says. "And if you aren't prominent, people aren't going to download and pay for your software."

Other developers are loath to pay listing fees. "They are tainting the well that they drink from," said one developer critical of his colleagues.

Some companies are trying other means of promotion. Serif Software gives away older versions of its Web authoring and desktop publishing software, inviting people to upgrade to a fee version.

"We will never pay to have our software given away for free," says Joe Ossai, Serif vice president of sales.

In the past decade, free software has shifted from a labor of love to big business for software authors. Some used to post a free download for altruistic motives, or to raise a company's visibility in hope that people who liked the freebie would become paying customers.

"People used to develop software and would throw it up on the Web because it was cool and hoped people would use it," says Scott Arpajian, senior vice president of Download.com. "Now it costs you money to be a good guy."

Arpajian says a maturing market for electronic distribution is a huge boon to software developers who now have a low-cost way to reach customers.

Indeed, 90 percent of DEK Software's downloads are from Download.com, Koch says. That makes it worth the fee his small company pays, he adds.

Download.com and Tucows are among the download sites beginning to focus on the blossoming market for electronic software distribution. Arpajian points to an IDC research study forecasting \$76 billion in electronic software distribution by 2005.

In many ways, the download business mirrors the trend of search engine and Web directory businesses. Web directories like Yahoo have begun accepting fees from site owners to quickly join the index and premier listings. Search engines are promoting premier listings that show up first in search results.

Free downloads aren't likely to disappear anytime soon, say even struggling small software developers. But finding a free downloads will get harder as altruism finds it harder to compete with necessity.

#### Congress Set to Bless Anti-Telemarketing List

A program that would allow consumers to screen out most telemarketing calls appeared close to fruition on Thursday as congressional lawmakers ironed out their differences on how best to implement the popular program.

The Federal Trade Commission's "do not call" list will likely clear Congress by the end of the week after lawmakers agreed to include it in a \$397 billion spending bill slated for passage.

The FTC has asked Congress to provide \$16 million to set up a list of households that do not want to receive telephone sales calls, as well as the legal authority to charge telemarketers for its ongoing operation.

Lawmakers in the House of Representatives and Senate have differed over how best to give the FTC what it has asked for, but agreed to include both elements in a mammoth spending bill after several days of heated closed-door debate.

The Bush administration has said it supports the list.

The Senate included funding and authorization for the program in the spending bill last month, while the House opted to treat the two issues separately, voting 418-7 yesterday to let the FTC impose fees on telemarketers.

Some senators objected to this approach, saying it would give telemarketers another chance to derail the measure. The FTC already has all the authority it needs under current law, South Carolina Sen. Ernest Hollings has said.

But the two sides appeared to have smoothed out their differences as of late Wednesday, with House Republicans agreeing to include the authorization in its spending bill.

"I'm pleased that in the final negotiations my colleagues agreed that speedy adoption of this important measure was essential and that we should not do anything to impede its progress," Hollings said in a statement late Wednesday.

A spokesman for Louisiana Republican Rep. Billy Tauzin, who pushed for a separate vote in the House, said he was comfortable with the change.

"We don't have any problem with it. As long as we get the bill, that's all we care about," said Tauzin spokesman Ken Johnson.

The program has drawn heated opposition from telemarketers who would face fines of \$11,000 per count if they called households on the list.

Several telemarketing operations and an industry group have already filed suit in an Oklahoma federal court.

At least 27 states have set up do-not-call lists of their own, which have proven popular with consumers seeking to stem an ever-increasing tide of sales calls. In Minnesota, for example, roughly half of the state's 2.2 million residential lines have subscribed.

The FTC's list, which it expects to have up and running by the early fall, would not stop all sales calls into the home.

Nonprofit and political groups would be free to ignore it, though they would have to honor requests not to be called back. Companies would be allowed to call existing customers, or those with whom it had previously established contact, for a limited time.

And some of the biggest telemarketers, such as banks and telephone companies, fall outside of the FTC's authority, answering instead to the Federal Communications Commission. The FCC is currently working with the FTC to revise its telemarketing rules.



## Google Tops Apple, Coke in Branding Poll

Minimalist Internet search engine Google was voted "brand of the year" by branding junkies on Tuesday, proving once again that less is more as it pipped giants such as Coca-Cola and Starbucks to the top slot.

Google, the powerful search tool that presents Net surfers with a minimum of visual clutter, came top in a global poll of 1,315 respondents to a survey by Interbrand, the leading British branding agency.

The respondents, who were described as "above averagely intelligent" professionals and students from over 72 countries, were asked which brand had made the most impact on their lives in 2002, either positively or negatively.

Mountain View, California-based Google, a privately owned company founded in 1998, won 15 percent of the vote.

Google was lauded for its reluctance to follow competitors such as MSN and Yahoo down the road of providing a more comprehensive -- and by extension more cluttered -- Web interface.

"Started by a couple of techies, Google is kind enough to hide its high-tech interior from the public and give us nothing but a friendly, easy to use, clear, clean exterior," Interbrand's Robin Rusch said.

The search engine has achieved something like cult status even among the more geeky cabals of Net-heads, giving rise to neologisms such as "to Google" -- whose meaning is obvious -- and even the game of "Googlewhacking," in which surfers combine two unrelated words in the search box and try to come up with just one hit.

Perhaps the fact that Interbrand's survey was hosted on the Internet had something to do with the results. Certainly, Apple Computer Inc., whose brand placed second, has more than its fair share of avid surfers.

Apple has a global market share in PCs, and consequently in operating systems, of less than three percent worldwide, but it remains a strong player in the creative industries as well as advertising and media.

"(Apple's) steady array of new product releases and cheeky David-to-Goliath positioning makes it hard not to notice and perhaps explains why our readers tend to favor it," Rusch said.

Apple polled 14 percent of the vote and, surprisingly perhaps, beat what is unquestionably the world's biggest and most successful brand -- the mighty Coca-Cola -- into third place at 12 percent. Ubiquitous coffee shop chain Starbucks and Swedish furnishings store Ikea came in at fourth and fifth place respectively.

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